

# Exhibit 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
: 22 Cr. 673 (LAK)  
v. :  
: SAMUEL BANKMAN-FRIED, :  
: Defendant. :  
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**EXPERT WITNESS DISCLOSURE**  
**PROFESSOR BRADLEY A. SMITH**

I. Background & Qualifications

1. I am the Josiah H. Blackmore II/Shirley M. Nault Professor of Law at Capital University Law School, where I teach courses including Election Law, Administrative Law, Jurisprudence, and Law & American History. I have also held faculty appointments as a Visiting Fellow, Visiting Professor, or Visiting Scholar at Princeton University (2018-2019), West Virginia University College of Law (2013-2015), and Bowling Green State University (2007), and as an Adjunct Professor at George Mason University School of Law (2002-2004). I hold a J.D. from Harvard Law School and a B.A. in Political Science and Economics from Kalamazoo College.
2. From 2000 to 2005, I served as a commissioner of the Federal Election Commission (“FEC”). I served as Chair of the FEC in 2004 and as Vice Chair in 2003.
3. I have served as counsel or amicus in connection with several prominent cases relating to election and campaign finance issues, including *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010) (amicus); *SpeechNow.org v. Federal Election Commission*, 599 F. 3d 686 (D.C. Cir. 2010) (plaintiff’s counsel); and *Susan B. Anthony List v. Driehaus*, 134 S. Ct. 895 (2014) (amicus on behalf of the Ohio Attorney General).
4. I have published extensively in the fields of election law and campaign finance law and reform. I am a co-author of the law school textbooks Voting Rights & Election Law (with Michael Dimino, Jr. and Michael Solimine) (3d ed. 2021) (Carolina Academic Press) (1st ed. 2010, 2d ed. 2015) (Lexis Press) and Understanding Election Law & Voting Rights (with Michael Dimino, Jr. and Michael Solimine) (2016) (Carolina Academic Press), and have written numerous book chapters, law review articles and essays, and academic book reviews on election and campaign finance issues. I have also had dozens of magazine and newspaper columns published in major daily and periodical publications including the *Wall Street Journal*, *New York Times*, *Washington*

*Post, Los Angeles Times, Chicago Tribune, New York Post, USA Today, The Atlantic, Commentary, National Review, Time, and US News & World Report.* Smith Appendix A contains my CV including a full list of my academic publications.

5. I have presented at over two dozen academic conferences on election and campaign finance issues and have testified before the U.S. House of Representatives, U.S. Senate, and various state legislatures on numerous occasions. Over the prior four years I have testified as an expert at trial or by deposition in the following matter:
  - Marine Corps Board of Inquiry hearing re: Discharge of Duncan D. Hunter for alleged violations of campaign finance laws, held at Marine Corps Support Facility in New Orleans, LA on March 4, 2022.
6. I have no financial interest in the outcome of this case. I am being compensated for my time and services on an hourly basis at the billing rate of \$1200 per hour. My compensation in this case is not in any way contingent or based on the opinions presented herein or on the outcome of these legal proceedings.

II. Scope and Summary of Opinions

If called as a witness, I may testify to the following topics:

7. General Background on US Campaign Finance Laws. The history and purpose of, and recent developments in, campaign finance laws in the United States, including the provisions of the Federal Election Campaign Act (“FECA”).
8. General Background on the Federal Election Commission. The structure of the Federal Election Commission; the FEC’s processes and common practices when issuing advisory opinions and reviewing and adjudicating Matters Under Review (“MURs”); and the precedential effect of FEC opinions and adjudications on the interpretation of campaign finance laws, including which set of FEC commissioners is treated as the “controlling group” for judicial review purposes.
9. General Background on FECA Straw Donor Ban. The history and background of FECA Section 30122 barring “straw donor” contributions; FEC rules and decisions governing the application and interpretation of Section 30122; and the nature and frequency of reported or alleged violations of Section 30122 that are reviewed or adjudicated by the FEC, including by persons found to have acted in good faith.
10. General Background on FECA Corporate Contributions Ban. The history and background of FECA Section 30118 barring corporate contributions, FEC rules and decisions governing the application and interpretation of Section 30118, and the nature and frequency of reported violations of Section 30118 that are reviewed or adjudicated by the FEC, including by persons found to have acted in good faith.

11. General Background on “Dark Money” Contributions. FEC rules and decisions addressing or governing the reporting requirements for contributions made to non-political 501(c)(4) organizations.
12. General Background on Corporate Funds and Loans. The permissible uses of funds by corporations and limited liability companies (LLCs) in connection with federal elections; the permissible uses of loans and loaned funds in connection with political contributions; and the categorization and treatment of funds that are loaned by corporations and LLCs to company founders, executives, or employees.
13. General Background on Large-Scale Political Donations. Common, established, and well-known practices for large-scale political giving campaigns, including the use of consultants for identifying candidates, committees and causes for donations; the coordination of donations with other individuals for maximizing impact, and the delegation of duties to individuals who are not the disclosed contributor in facilitating or coordinating contributions.
14. I may also testify as to other matters outside the scope of testimony specified above as required to rebut evidence which may be offered by the Government concerning issues of campaign finance and political donations.<sup>1</sup>

III. Basis of Opinions

15. The opinions set forth above are based upon my own academic and professional education, training, and knowledge regarding U.S. election law and campaign finance law and FEC standards, practices and decisions, including, among other things, my experiences as FEC Chair and Commissioner, as a practitioner of campaign finance law, and as an academic in these fields for several decades. I may reference specific FEC rules and decisions as part of my testimony.
16. Additionally, my opinions are based on reviewing publicly available academic literature, public news articles and commentary, and documents filed in this case and other legal proceedings relating to FTX, including the S5 and S6 superseding indictments in this case.

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<sup>1</sup> The Government filed an S6 superseding indictment on August 14, 2023, which removes the former Count 12 relating to campaign finance violations and appears to add allegations that political donations by or on behalf of Mr. Bankman-Fried were part of or related to the wire fraud alleged in S6 Count 1 and money laundering alleged in S6 Count 7. Having only recently reviewed the S6 superseding indictment, I reserve the right to amend or update my opinions to address these allegations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley A. Smith".

Bradley A. Smith, Esq.

**Bradley A. Smith**

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Capital University Law School  
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Columbus, OH 43215  
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**A. Employment**

***Teaching & Research***

**Capital University Law School**, Columbus, Ohio.

Josiah H. Blackmore II/Shirley M. Nault Professor of Law, 2009- Present;  
Professor of Law 1999-2009; Associate Professor, 1996-1999; Assistant  
Professor, 1994-1996; Visiting Assistant Professor, 1993-94.

*Courses Taught:* Administrative Law; Election Law; Civil Procedure;  
Jurisprudence; Law & Economics; Law & American History.

Director, Capital University Law School Summer Program in Greece, 1997-1998.  
Co-Director, Moot Court Program, Capital University Law School, 1994-2000.

**Princeton University**, Princeton, NJ

Visiting Fellow, James Madison Program, Department of Politics, 2018-19.

**West Virginia University College of Law**, Morgantown, West Virginia.

Judge John T. Copenhaver, Jr. Visiting Chair of Law, 2013-2015.

*Courses Taught:* Campaign Finance; Administrative Law; Legislation; Law &  
Economics.

**Bowling Green State University, Social Philosophy & Policy Center**, Bowling Green,  
Ohio. Visiting Scholar, 2007.

**George Mason University School of Law**, Arlington, Virginia.

Adjunct Professor, 2002-2004.

*Course Taught:* Federal Election Law

***Other Legal Employment***

**Chairman and Commissioner, Federal Election Commission**, Washington, D.C.

Nominated by President Clinton, February 9, 2000; Confirmed by Senate, May 2000,  
Served June 26, 2000 through August 21, 2005. Chair, 2004. Vice Chair, 2003.

**Vorys, Sater, Seymour & Pease**, Columbus Ohio & Washington, D.C.

Of Counsel, 2005 – 2008; Associate, 1990-1993.

**Special Counsel to Ohio Attorney General Mike DeWine**, 2012, 2014.

**Special Hearing Officer, Ohio Secretary of State John Husted**, 2014

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Admitted to Practice: U.S. Sup. Ct; 6<sup>th</sup> Cir., D.C. Cir.; all Ohio state & fed. courts.

**B. Education**

**Harvard Law School**

J.D., *cum laude*, 1990.

Senior Editor, Harvard Journal of Law & Public Policy.

**Kalamazoo College**

B.A., *cum laude*, 1980.

Majors in Political Science (with Honors) and Economics. Recipient, Howard Prize for Outstanding Work in Political Science.

**C. Publications**

**Books**

Voting Rights & Election Law (with Michael Dimino, Jr. and Michael Solimine) (3d ed, 2021) (Carolina Academic Press) (1<sup>st</sup> ed. 2010, 2d ed. 2015) (Lexis Press) (includes instructors' manual and annual updates).

Understanding Election Law & Voting Rights (with Michael Dimino, Jr. and Michael Solimine) (2016) (Carolina Academic Press).

Unfree Speech: The Folly of Campaign Finance Reform (Princeton University Press, 2001) (paperback ed., w/ new forward, 2003).

**Book Chapters**

*Campaign Expenditure Limits*, Oxford Handbook of American Election Law (Eugene D. Mazo, ed., forthcoming 2023)

*Reforming the Presidential Nominating Process: A Curmudgeon's View in The Best Candidate* (Eugene Mazo & Michael Dimino, eds.) (2020) (Cambridge Press).

*An Electoral College Primer in Making Government Work* (Tan Parker, ed. 2020) (Regnery).

*Politics, Money and Corruption: The Story of McConnell v. Federal Election Commission*, in "Election Law Stories," (Joshua Douglas & Eugene Mazo, eds.) (2016).

*Plebiscites and Minority Rights: A Contrarian View*, in "The United States Supreme Court and the Political Process: Perspectives and Commentaries on Contemporary Cases," (David K. Ryden, ed.) (2000).

**Law Review Articles and Essays**

*Crisis and Disconnect: Electoral Legitimacy and Proposals for Election Reform*, 24 U. Penn. J. Const. L. 1 (2023).

*Americans for Prosperity Foundation v. Bonta: A First Amendment for the Sensitive*, 2021 Cato Sup. Ct. Rev. 63 (2021).

Bradley A. Smith, *vita* p. 3

*Feckless: A Critique of Critiques of the Federal Election Commission*, 27 Geo. Mason L. Rev. 503 (2020).

*Finding the Radicalism in Citizens United v. FEC*, 41 Harv. J. L. Pub. Pol'y 1 (2018).

*The Academy, Campaign Finance, & Free Speech Under Fire*, 25 J. L. & Pol'y 227 (2017).

*Why Buckley? Why a First Amendment? A Response to Professor Alschuler*, 67 Fla. L. Rev. 59 (2015).

*McCutcheon v. Federal Election Commission: An Unlikely Blockbuster*, 9 N.Y.U. J. L. & Liberty 48 (2015).

*Separation of Campaign and State*, 82 Geo. Wash. L. Rev. 1238 (2013).

*The Non-Expert Agency: Should the SEC Regulate Politics? A Response to Professors Bebchuk and Jackson*. 3 Harv. Bus. L. Rev. 419 (2013) (with Allen Dickerson).

*Super PACs and the Role of “Coordination” in Campaign Finance Law*, 49 Willamette L. Rev. 603 (2013).

*Disclosure in a Post-Citizens United Real World*, 6 St. Thomas J. L. & Pol'y 257 (2012).

*The Caperton Caper and the Kennedy Conundrum*, 8 Cato S. Ct. Rev. 319 (2009) (with Stephen Hoersting).

*Vanity of Vanities: National Popular Vote & the Electoral College*, 7 Elec. L. J. 196 (2008).

*The John Roberts Salvage Company: After McConnell, A New Court Looks to Repair the Constitution*, 68 Ohio St. L. J. 891 (2007).

*Boundary Based Restrictions in Boundless Broadcast Media Markets: McConnell's Underinclusive Overbreadth Analysis*, 18 Stan. L. & Pol'y Rev. 240 (2007) (with Jason R. Owen).

*Broken Windows and Voting Rights*, 156 U. Penn. L. Rev. PENNumbra 241 (2007).

*A Moderate, Modern Campaign Finance Reform Agenda*, 12 Nexus J. Op. 3 (2007).

*Don't Shoot the Messenger: The FEC, 527 Groups, and the Scope of Administrative Authority*, 4 Election L. J. 82 (2005) (with Allison Hayward).

*McConnell v. Federal Election Commission: Ideology Trumps Reality, Pragmatism*, 3 Election. L. J. 345 (2004).

*Searching for Corruption in all the Wrong Places*, 2 Cato S. Ct. Rev. 187 (2003).

*A Toothless Anaconda: Innovation, Impotence, and Over-enforcement at the Federal Election Commission*, 1 Election L. J. 145 (2002) (with Stephen Hoersting).

*Selecting Judges in the Twenty-First Century*, 30 Capital U. L. Rev. 437 (2002).

*Hamilton at Wit's End: The Lost Discipline of the Spending Clause vs. the False Discipline of Campaign Finance Reform*, 4 Chapman U. L. Rev. 117 (2001).

*Regulation and the Decline of Grassroots Politics*, 50 Catholic U. L. Rev. 1 (2000).

*Some Problems With Taxpayer-Funded Political Campaigns*, 148 U. Penn. L. Rev. 591 (1999).

*A Most Uncommon Cause: Thoughts on Campaign Finance Reform and a Response to Professor Paul*, 30 Conn. L. Rev. 831 (1998).

*Soft Money, Hard Realities: The Constitutional Prohibition on a Soft Money Ban*, 24

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J. Legis. 179 (1998).  
*Money Talks: Speech, Corruption, Equality, and Campaign Finance*, 86 Geo. L. J. 45 (1997).  
*The Sirens' Song: Campaign Finance Reform & the First Amendment*, 6 J. L. & Pol'y 1 (1997).  
*Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform*, 105 Yale L. J. 1049 (1996).  
*The Limits of Compulsory Professionalism: How the Unified Bar Harms the Legal Profession*, 22 Fla. St. U. L. Rev. 36 (1994).  
*Judicial Protection of Ballot Access Rights*, 28 Harvard J. Legis. 167 (1991).

### **Academic Book Reviews**

*The Legislative Process: Lost in the Labyrinth*, H-Pol; H-Net Reviews (Aug. 2001) (<http://www.h-net.org/reviews/showrev.cgi?path=22178997903585>) (reviewing Diana Dwyre and Victoria Farrar-Myers, *Legislative Labyrinth: Congress and Campaign Finance Reform* (2001)).  
*Real and Imagined Reform of Campaign Corruption*, 6 Cornell J. L. & Pub. Pol'y 141 (1996) (reviewing Larry J. Sabato and Glenn R. Simpson, *Dirty Little Secrets: The Persistence of Corruption in American Politics* (1996)).

### **Encyclopedia Entries**

*Article I, § 2*, Interactive Guide to Constitution, National Constitution Center (Jeffrey Rosen, ed., 2016).  
*15<sup>th</sup> Amendment*, Interactive Guide to Constitution, National Constitution Center (Jeffrey Rosen, ed., 2015).  
*McConnell v. FEC*, Encyclopedia of the Supreme Court (David S. Tanenhaus, ed., 2009).  
*Freedom of Petition*, Encyclopedia of the Supreme Ct. (David S. Tanenhaus, ed., 2009).  
*Campaign Finance*, Encyclopedia of Libertarianism (Ronald Hamowy, ed., 2008).  
*Financing Political Speech*, The Oxford Companion to the Supreme Court of the United States (Kermit L. Hall, ed., 2005).  
*The Meaning of Article I, Section 2*, The Heritage Guide to the Constitution (David F. Forte, ed., 2005).  
*Electoral Process and the First Amendment*, Supplement II: Encyclopedia of the American Constitution (Leonard W. Levy et al. eds., 1999).

### **Professional and Policy Journals**

*Into the Thicket: What's Next in Election Litigation*, 101 Judicature, Vol. 2, 18 (2017).  
*The Myth of Campaign Finance Reform*, 2 Journal of National Affairs 75, Winter 2010.  
*In Defense of Political Anonymity*, 20 City Journal 74, Winter 2010.  
*If That's a Politician, We Must be in ... Church?* Columbus Bar Lawyer's Q. 9, Sp.2008.  
*Campaign Finance Reform's War on Political Freedom*, City Journal, July 2007.  
*Is McCain-Feingold Unconstitutional as Applied to Certain 'Issue Advertisements'?*, 34 Preview of U.S. Sup. Ct. Cases 402 (2007).

Bradley A. Smith, *vita p. 5*

*Campaigns, Elections and Campaign Finance Reform*, ABA Focus on Law Studies, Spring 2006, p. 1.

*Book Review: Enlightened Democracy: The Case for the Electoral College*, by Tara Ross, 6 Engage 153 (2005).

*Caveat Emptor: Good Government Group Polls on Campaign Reform Questions Are Suspicious*, Political Finance & Lobby Reporter, Dec. 24, 1997, p. 1.

*Why Healthcare Reform May Unleash A New Litigation Explosion*, Postgraduate Medicine, Nov. 15, 1994, p. 91.

### ***Popular Publications***

Dozens of magazine and newspaper columns published in *Wall Street Journal*, *New York Times*, *Washington Post*, *Los Angeles Times*, *Chicago Tribune*, *New York Post*, *USA Today*, *The Atlantic*, *Commentary*, *National Review*, *Time*, *US News & World Report*, and other major daily and periodical publications.

### ***Notable Recent Legal Cases***

*Susan B. Anthony List v. Driehaus*, 134 S.Ct. 895 (2014) amicus, Ohio Attorney General. *SpeechNow.org v. Federal Election Commission*, 599 F. 3d 686 (D.C. Cir. 2010), Plaintiff's counsel.

*Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), amicus.

*Caperton v. Massey Coal*, 129 S. Ct. 2252 (2009), amicus.

### **D. Presentations and Panels**

#### ***Academic Conferences***

*Congressional Legislation to Protect the Electoral Process*, AALS Conference on Rebuilding Democracy and the Rule of Law, May 7, 2021

*The Past, Present, and Future of Presidential Elections*, National Constitution Center/Univ. of Pennsylvania School of Law, Jan. 28, 2021

*Feckless: A Critique of Critiques of the Federal Election Commission*, Annual Symposium on Administrative Law, C. Boyden Gray Center, Scalia Law School, Oct. 16, 2019.

*Campaign Finance Regulation and State Policy Outcomes*, Association of Private Enterprise Educators, Annual Meeting, Apr. 7, 2019.

*The Future of Campaign Finance*, Stanford University Constitutional Law Center, Symposium: The Constitution and Political Parties, May 19, 2018.

*Finding the Radicalism in Citizens United*, Federalist Society National Student Conference, Columbia University, Jan. 11, 2018.

*The Academy, Campaign Finance, and Free Speech Under Fire*, Brooklyn Law School, Feb. 26, 2016.

*Judicial Review Five Years After Caperton*, N.Y.U. School of Law, Nov. 14, 2014.

*Fostering Participative and Accountable Democracies: Compliance, Public Scrutiny and Informed Voting*, OECD Policy Forum, Paris, France, Nov. 14, 2013.

Bradley A. Smith, *vita p. 6*

*The Disclosure Debates*, Vermont Law School, Sep. 27, 2013.

*Understanding “Coordination” in Campaign Finance Law: Its Meaning, Purpose and Regulation*, Willamette Law School, Feb. 8, 2013.

*Future of Campaign Finance*, George Washington Univ. Law School, Nov. 16, 2012

*Practical and Theoretical Difficulties of Campaign Finance Disclosure in a Post-Citizens United World*, St. Thomas Law School, Mar. 30, 2012.

*Book Forum: John McGinniss’s Accelerating Democracy*, Northwestern University School of Law, September 15, 2011.

*What has Caperton Wrought? Recusal, Elections and the Courts*, Wisconsin Supreme Court Conference, Marquette University Law School, Dec. 3, 2010.

*Citizens United and Corporate Personhood*, SE Assn. of Law Schools, July 30, 2010.

*Election Administration and Competitiveness in Elections*, UCLA School of Law, Jan. 29, 2010.

*Future Directions in Campaign Finance Reform*, Midwest Pol. Sci. Assn., Apr. 3, 2008.

*Election Law Reform: Theory, Law, Practice*, Am. Pol. Sci. Assn, Aug. 3, 2007.

*A Moderate, Modern Campaign Finance Reform Agenda*, Chapman Law School, Feb. 20, 2007.

*The John Roberts Salvage Company*, Moritz Law School at The Ohio State University, Sep. 28, 2006.

*The Supreme Court and the Political Process: McConnell v. FEC*, Princeton University, Woodrow Wilson School of Government, May 27, 2004.

*The Ethics of Campaign Finance Reform*, Assn. of Private Enterprise Educ, Apr. 2, 2004.

*In Search of the Perfect Election*, University of Pennsylvania School of Law, Feb. 2004.

*Campaign Finance Laws: Compliance and Enforcement*, Election Law Summit, Washington, D.C., June 24, 2003.

*Symposium on Judicial Elections*, Capital University Law School, Jan. 31, 2001.

*Spending Clause Symposium*, Chapman University School of Law, Jan. 18, 2001.

*Symposium on Election Law*, Catholic University School of Law, Sept. 2000.

*Symposium on Campaign Finance Reform*, Notre Dame Law School, Nov. 14, 1997.

*Symposium on Money & the First Amendment: Campaign Finance and Free Speech*, Center for First Amendment Rights, Univ. of Connecticut Law School, May 1997.

*David G. Trager Public Policy Symposium*, Brooklyn Law School, Mar. 7, 1997.

*Symposium XXIX, "Choosing A President: How We Elect A President - The Case for Change - The Rush to Fix the Process - To What End?* Institute for American Values, Nichols College, Dudley MA, Oct. 15, 1996.

*Symposium: Money in Politics: Undue Influence*, Franklin Pierce Law School, Concord, NH, Jan. 20, 1996.

### ***Congressional & Legislative Testimony***

U.S. House of Representatives, Committee on House Administration, “American Confidence in Elections: Protecting Political Speech,” May 11, 2023.

Kansas House of Representatives, HB 2391, Feb. 16, 2023.

Bradley A. Smith, *vita p. 7*

U.S. Senate, Comm. on Rules and Admin., “S. 1, For the People Act,” Mar. 24, 2021.

U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, *Citizens United at 10: The Consequences for Democracy and Potential Responses*, Feb. 6, 2020.

U.S. House of Representatives, Committee on House Administration, “For the People Act,” Feb. 19, 2019.

U.S. Senate, Comm. on Rules and Administration, “The DISCLOSE Act and the Need for Expanded Public Disclosure of Funds Raised and Spent to Influence Federal Elections,” July 23, 2014.

U.S. Senate, Comm. on Judiciary Subcomm. on Constitution, “Taking Back Our Democracy: Responding to Citizens United & the Rise of Super PACs,” July 24, 2012.

U.S. House of Representatives, Committee on Small Business, Hearing on President’s Proposed Executive Order on Government Contractors, May 12, 2011.

U.S. Senate, Judiciary Committee, “We the People: Citizens United and the Future of American Democracy,” Mar. 10, 2010.

U.S. House of Representatives, Committee on House Administration, “Fair Elections Now Act,” July 30, 2009.

Illinois Reform Commission, “Campaign Finance and ‘Pay to Play,’” Feb. 23, 2009.

U.S. House of Representatives, Judiciary Committee, Sub-Committee on the Constitution, “Lobbying Revision,” Mar. 1, 2007.

U.S. House of Representatives, Judiciary Committee, Sub-Committee on the Constitution, “Grassroots Lobbying Reform,” Mar. 2006.

U.S. House of Representatives, Committee on House Administration, “Regulation of the Internet,” Sep. 2005.

U.S. Senate, Committee on Rules and Government Affairs, “Regulation of Independent 527s Under BCRA,” July, 2004.

U.S. House of Representatives, Committee on House Administration, Enforcement Procedures at the Federal Election Committee, Oct. 2003.

Florida House of Representatives, Election Reform Committee, Hearing on Campaign Finance Reform, Mar. 17, 1999.

U.S. Senate, Committee on the Judiciary, Subcommittee on the Constitution, Federalism, and Property Rights, “Term Limits or Campaign Finance Reform: Which Provides Real Reform?,” Feb. 24, 1998.

U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, “Constitutionality of Restrictions on Issue Advocacy,” Sept. 18, 1997.

U.S. Senate, Committee on Rules and Government Affairs, “Soft money in Presidential Elections,” May 14, 1997.

U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, “Free Speech & Campaign Finance Reform,” Feb. 27, 1997.

U.S. Senate, Committee on Rules and Government Affairs, “McCain-Feingold Campaign Finance Reform Bill,” Feb. 1, 1996.

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***Partial List of Public Lectures and Speaking Engagements:***

*Colleges & Universities:* American University (Center for Presidential and Congressional Studies), Amherst College, Ashland University (Robert E. Henderson Lecture); Augustana (Ill.) College (Commencement); Benedictine College (President's Sesquicentennial Speaker Series); Brown University (Janus Lecture); University of Chicago (Dept. of Political Science); Cleveland State, Colgate University (Constitution Day), University of Colorado (Benson Center); Cornell (Dept. of Political Science); Dartmouth College (Dept. of Government), Duke (Dept. of Political Science); Harvard University (Dept. of Government); Hillsdale College; Kalamazoo College; Kentucky Wesleyan (Constitution Day); University of Louisville (McConnell Center), Miami University-Oxford (Constitution Day), University of Michigan (Dept. of Political Science), Nichols College, University of North Carolina (School of Journalism), Northern Illinois University (Presidential Speaker Series), Oberlin College, Ohio State University (Economics Department), Princeton University (James Madison Program), Rose-Hulman College (Constitution Day); Yale University Political Union.

*Law Schools:* American, Brooklyn, Case Western Reserve (Sumner Canary Lecture), Catholic, Chapman, Connecticut, George Washington, Harvard (Traphagen Distinguished Alumnus), Chicago Kent, Marquette, New Hampshire, Northwestern, Notre Dame, NYU, Ohio State, Penn, St. Thomas, Toledo (Stranahan Lecture), UCLA, Vanderbilt, Virginia, West Virginia, Willamette, William & Mary, Wisconsin, Yale.

*Law School ACS and Federalist Chapters:* Akron, Arizona, Arizona St., Ave Maria, Baylor, Boston College, Buffalo, Cardozo, Case Western, Chicago, Cincinnati, Cleveland-Marshall, Columbia, Cumberland, Dayton, Drake, Duke, Florida International, Fordham, Georgetown, George Mason, Harvard, Iowa, Kansas, John Marshall (Ill.), Lewis & Clark, Loyola (Cal.), Louisville, Maine, Miami, Michigan, Minnesota, NYU, North Carolina, NYU, Notre Dame, Ohio State, Oregon, Pacific (McGeorge), Penn State, Pepperdine, Quinnipiac, Richmond, Rutgers (Camden), San Francisco, Santa Clara, Southern Illinois, SMU, Stanford, St. Louis, St. Thomas (Mn.), Vermont, Virginia, Washburn, Washington & Lee, Wm. Mitchell, Wisconsin, Texas, Texas A&M, Toledo, Tulane, Tulsa, Vanderbilt, Yale.

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*National Organizations and Conventions:* AFL-CIO Leadership Conference, American Constitution Society, American Legislative Exchange Council, American League of Lobbyists, Assn. of Capitol Reporters & Editors, California Political Attorneys Assn., Federalist Society, National Assn. of Business PACs, National Assn. of Manufacturers, National Conference of State Legislatures, Public Affairs Council, Republican National Lawyers Assn., Society of Corporate Secretaries, U.S. Chamber of Commerce.

*Think Tanks and Foundations:* Aspen Institute, Blouin Leadership Summit, Brookings Institute, Cato Institute, Fund for American Studies, Goldwater Institute, Heritage Foundation, International Foundation for Electoral Systems, National Constitution Center, Reason Foundation, Urban League (Campaign Finance Task Force).

***Partial List of Broadcast Appearances***

<i>ABC News</i>	<i>Uncommon Knowledge</i> (PBS)
<i>NBC News</i>	<i>Washington Journal</i> (C-Span)
<i>PBS News Hour with Jim Lehrer</i>	<i>Closing Bell</i> (CNBC)
<i>Bill Moyers Internight</i> (MSNBC)	<i>C-Span Book Forum</i>
<i>Early Today with Contessa Brewer</i> (MSNBC)	<i>National Public Radio Morning Edition</i>
<i>Hardball</i> (MSNBC)	<i>NPR All Things Considered</i>
<i>Fox News w/ Britt Hume</i>	Wisconsin Public Radio
<i>O'Reilly Factor</i> (Fox)	Minnesota Public Radio
Dan Rather Reports	California Public Radio
<i>Hannity &amp; Colmes</i> (Fox)	<i>Velshi &amp; Rule</i> , (MSNBC)
	<i>Diane Rehm</i>

Other network shows and dozens of appearances on local TV and radio in major markets.

**F. Awards & Honors**

Bradley Prize, The Lynde & Harry Bradley Foundation, 2010.  
Honorary Doctorate in Humane Letters, Augustana College, May 2004  
Traphagen Distinguished Alumnus, Harvard Law School, 2000  
Mackinac Center for Public Policy, *Lives, Fortunes and Sacred Honor Award*, 2000.  
Professor of the Year, Capital University Law School, 1995, 2000.  
Honorary Member (first ever), Hispanic Republican Coalition of Central Ohio, 1999.  
Simson Award for Outstanding Faculty Scholarship, Capital Univ. Law School, 1996.  
Salvatori Fellow, The Heritage Foundation, 1994-95.  
Lambe Fellow, Institute for Humane Studies, 1989-90.  
Howard Prize (Outstanding Student in Political Science), Kalamazoo College, 1980.

**G. Academic Service (not including home university service)**

AALS Arc of Career Standing Committee, 2016-2019.  
Executive Committee, AALS Section on Election Law, 2014-Present.

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Executive Committee, AALS Section on Legislation and Law of the Political Process, 2013-14.

Editorial Advisory Board, *Election Law Journal*, 2002 – present.

Board of Advisors, *Harvard Journal of Law & Public Policy*, 2000- present.

Advisory Board, Institute for Politics, University of Minnesota Law School, 2007-2010

Referee and Peer Review for Election Law Journal; University of Chicago Press; Aspen Publishing; Eagleton Center at Rutgers University; Wolters-Kluwer.

#### **H. University Service (Law School committees unless noted)**

University Diversity, Equity & Inclusion Strategic Planning Committee, 2020-21.

University Faculty Executive Committee, 2019-21.

Representative to AALS House of Delegates, 2016-2017.

Admissions Committee, 2010-13, Chair, 2015-2021.

Innovation Committee, Chair, 2010-13.

Law School Special Compensation Committee, 2010-11.

Dean Search Committee, 2009-10; 2018-19.

University Administration, Budget & Planning Committee, 2009-10.

Sullivan Lecture Planning Committee, Chair, 2009-13, 2021-present

Carnegie Report on Legal Education Implementation Task Force, 2008-09.

Law School Planning Committee, 2006-08.

Academic Affairs Committee, 2005-07; Chair 2006-07.

Honor Code Committee, 1993-2000, 2009-2011; 2015-2018; Chair 1994-2000.

Student-Faculty Relations Committee, 1995-2000.

Externships & Internships Committee, 1994-1997.

University Faculty Senate, Law School Representative 2006-07.

University Ethics and Professionalism Committee, 2005-2008.

University Traffic Committee, 1994-1997.

Various tenure and promotion committees.

Faculty Advisor, Federalist Society 2015-Present.

Faculty Advisor, Phi Alpha Delta Legal Fraternity, 1994-2000.

Faculty Advisor, Christian Legal Society, 1995-2000.

Faculty Advisor, Law School Republicans, 2022-present.

#### **I. Significant Non-Legal Employment**

##### **VHA Consulting Services, Dallas, Texas**

Senior Healthcare Consultant, 1986-87. Planned and developed integrated health care systems.

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**IBA Health & Life Assurance Co.**, Kalamazoo, Michigan

Assistant Vice President & Director of Marketing, 1983-1985. Responsible for planning, marketing, and government affairs.

**United States Department of State**, Washington, D.C., and Guayaquil, Ecuador

Foreign Service Officer; Vice Consul, U.S. Consulate General, Guayaquil, 1981-83.

Post EEO Compliance officer. Treasurer for Employees Mutual Benefit Association.

**Small Business Association of Michigan**, Kalamazoo, Michigan

General Manager, 1980-81.

Director, Political & Legislative Affairs, 1980; Legislative Analyst, 1979-80.

**J. Volunteer Community Service, Memberships & Affiliations**

***Government***

Member, Ohio State Advisory Committee, U.S. Commission on Civil Rights, 2022-Present.

Appointed Member, Cherry Valley Planning Task Force, Village of Granville, OH, 2017.

Vice Chairman, Board of Zoning & Building Appeals, Village of Granville, OH, 2011-2016; Member 2009-10.

***Legal & Professional***

Observer, Uniform Law Commission, Election Law Study Committee, 2022-present.

Director, American Edge Project, 2019- present.

Founder & Chairman, Institute for Free Speech, 2005- present.

Chairman, Buckeye Institute for Public Policy Solutions, 2014-Present; Board of Trustees, 1996-2000; 2006-present; Board of Academic Advisors, 1994- 2000.

Chairman, 1851 Center for Constitutional Law, 2012-Present.

Board of Scholars, Mackinac Center for Public Policy, 1993-2000, 2005-2015.

Executive Committee, Federalist Society Free Speech and Election Law Practice Group, 1999-2000; 2005- present.

Senior Fellow, Goldwater Institute, Phoenix, AZ 2005- 2014.

Member, Advisory Committee to Standing Committee on Election Law, American Bar Association, 2001- 2005.

Ohio State Bar Association, 1990-2000; 2005-present.

Columbus Bar Association, 1990-94; 2005-present.

Columbus Legal Aid Society Referral Panel, 1992-1995.

American Immigration Lawyers Association, 1992-1995.

***Other***

Knights of Columbus, 2001-present; Advocate, St. Edwards Council, Granville, OH, 2008- 2013.

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Granville Historical Society, Docent, 2009- 2012.

Police Athletic League of Columbus, Tutor for Inner-City Youth, 1991-94.

**K. Personal**

Married, two adult children.

Hobbies and interests include riding, tennis, curling, travel, history, dog training.

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